HONOURABLE SRI JUSTICE D.APPARAO

On Wednesday, the twenty fourth day of May,

two thousand and six .

W.P.No.10399 of 2006

S.Veera Raghavaiah and others.

.....Petitioners.

And:

The Municipal Corporation of Kadapa, represented by its Commissioner, Kadapa, Kadapa District and others.

.....Respondents.

HONOURABLE SRI JUSTICE D.APPARAO

W.P.No 10399 of 2006

O R D E R:

The petitioners filed this writ petition seeking Writ of Mandamus for declaring the action of the demolition of residential houses bearing Door

Nos.4/475, 4/476, 4/477, 4/478 and 4/783/2 situated at Nagarajupet, Kadapa town, Kadapa District for the purpose of road widening without following due process of law, as illegal.

2) The learned counsel for the petitioners submitted that the petitioners are the owners of the property mentioned above. In view of the traffic congestion and to have free flow of traffic, the Kadapa Municipal Corporation has decided to widen the roads, for which they have identified some roads. It is further submitted that the petitioners are not at all against the road-widening programme of the respondents and they have no objection for the said programme if their lands are acquired and if proper compensation is paid.

3) The grievance of the petitioners is that the respondents without issuing any notice to the petitioners, threatening the demolition of the existing structures for the purpose of road widening. Earlier, in W.P.Nos.26037 of 2005 and batch, the learned Judge by order dated 7.12.2005 disposed of the writ petitions directing the respondents not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law under Sections 146 and 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

4) In the light of the above orders in W.P.No.26037 of 2005 and batch, there cannot be any difficulty in passing the very same order in this writ petition.

5. In the result the respondents are directed not to demolish the structures or take away any portion of the properties of the petitioners and not to dispossess them without following due process of law under Sections 146 and 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is disposed of accordingly. No costs.

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JUSTICE D. APPARAO

24th May 2006

BCS